

REMARKS

The Examiner has required an election under 35 U.S.C. § 121 of one of the following inventions:

Group I: Claims 1, 2, 4, 6, 10-12, 14-16, 19, 20 and 27, drawn to a polynucleotides, classified in class 536, subclass 23.1;

Group II: Claims 35 and 39, drawn to a recombinant virus, classified in class 424, subclass 184.1; and

Group III: Claims 46, 47, 48, 53, 60 and 66, drawn to a polypeptides, classified in class 424, subclass 184.1.

Applicants hereby elect to prosecute the claims of Group I (claims 1, 2, 4, 6, 10-12, 14-16, 19, 20 and 27).

If Group I is elected, Applicants were requested to elect a deletion from SEQ ID NO: 10 and 12 with regard to claims 12, 14-16, 19 and 20. Accordingly, Applicants elect SEQ ID NO: 10 as a deleted open reading frame.

Further restriction in Group I was required between subsequences and polypeptides. With respect to the election of one of nucleotide sequences SEQ ID NOS:14-19, Applicants respectfully point out that claim 1 recites that the claimed sequence includes at least one subsequence not included in SEQ ID NOS:14-19. Thus, an election of one of SEQ ID NOS:14-19 would limit the proviso and thus increase the number of sequences to be searched. It is unclear to Applicants, whether this restriction was indeed intended, however, to be fully responsive, Applicants hereby elect SEQ ID NO:14.

With respect to the election of one of the amino acid sequences SEQ ID NOS:2-11,¹ Applicants hereby elect SEQ ID NO:9.

If any issues regarding this restriction requirement remain, the Examiner is kindly requested to contact the undersigned.

¹ Please note that SEQ ID NOS:14-19 do not encode SEQ ID NOS: 2-11.

Applicants submit herewith a Revocation And Power Of Attorney executed by William C. Bertrand, Jr., of MedImmune, Vaccines, Inc., the Assignee of the above-identified patent application.

Applicants request that the Revocation and Power of Attorney be made of record in the file of the above-identified patent application, and that all future correspondence for the application be directed to the undersigned.

Entry of the remarks made herein is respectfully requested.

Respectfully submitted,

by *Jeorgeline Benn*
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